

R146-17  
NAC Chapter 639  
Veterinarian Consignment  
March 21, 2018

## INFORMATIONAL STATEMENT

The informational statement required by NRS 233B.066 numerically conforms to the subsections of the statute as follows:

### 1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION

This regulation defines the term “consignment” and certain related terms for purposes governing the purchase, transfer and dispensing of certain drugs; authorizes licensed veterinarians to engage in a consignment; authorizes certain wholesalers and certain pharmacists to enter a consignment. This regulation is needed to regulate dispensing activity in veterinary practice that does not fall within either the practitioner dispensing model or the retail model set forth in current law for human patients.

### 2. A DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, A SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

The Board solicited comment on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board’s website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board’s website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from Nevada dispensing practitioners, and from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed amendment. The Board further provided time for public comment at the workshop(s) concerning the proposed amendment.

Public comment supported revising Section 8.3. and deleting sections 11 and 12.

A summary of public comment(s) may be obtained from Shirley Hunting at (775) 850-1440, email at [shunting@pharmacy.nv.gov](mailto:shunting@pharmacy.nv.gov) or 431 W Plumb Lane, Reno, Nevada.

### 3. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

The number of persons who attended the hearing was: 24

The number of persons who testified at the hearing was: 3

The number of agency submitted statements was: -0-

The name of persons who testified at the hearing:

Michelle Wagner, Executive Director, Nevada Veterinarian Medical Association  
P.O. Box 34420 Reno, NV 89533; Phone 775.324.5344;

E-mail: [nevadavma@sbcglobal.net](mailto:nevadavma@sbcglobal.net)

Jennifer Pedigo, Executive Director, Nevada Board of Veterinarian Examiners  
4600 Kietzke Lane, Building "O", Suite 265 Reno, Nevada 89502

Phone: (775) 688-1788; E-mail: [vetbdinfo@vetboard.nv.gov](mailto:vetbdinfo@vetboard.nv.gov)

James Boyle, Esq., counsel representing Strategic Pharmacy Solutions

400 S. Fourth Street, 3rd Floor, Las Vegas, Nevada; Phone 702.791.0308;

E-Mail: [jboyle@nevadafirm.com](mailto:jboyle@nevadafirm.com)

The names of the agencies that submitted statements:

Not Applicable

4. A DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

The Board solicited comment on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from Nevada dispensing practitioners, and from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed amendment. Further, the Board provided time for public comment at the workshop(s) concerning the proposed amendment.

Michelle Wagner, Executive Director, Nevada Veterinarian Medical Association, Jennifer Pedigo, Executive Director, Nevada Board of Veterinarian Examiners, and James Boyle, Esq., counsel representing Strategic Pharmacy Solutions, testified in support of revising Section 8.3. and deleting sections 11 and 12.

A summary of public comment(s) may be obtained from Shirley Hunting at (775) 850-1440, email at [shunting@pharmacy.nv.gov](mailto:shunting@pharmacy.nv.gov) or 431 W Plumb Lane, Reno, Nevada.

Parties interested in obtaining a copy of the summary of the proposed amendment, or that wish to view the text of the proposed amendment, may access that information on the Board's website at [bop.nv.gov](http://bop.nv.gov), or by contacting the Board's office at (775) 850-1440.

5. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

The Board adopted LCB File R146-17 with a revision at Section 8.3., page 4, and the deletion of Sections 11 and 12 in their entirety as requested by representatives of the affected industry.

Section 8 revision:

**Sec. 8.**

*3. Upon prescribing an approved drug that will be consigned to a pharmacy for dispensing and after review of the medical record of the animal, a licensed veterinarian shall ~~communicate~~ counsel the client on any matters which will enhance therapy for the animal through the approved drug ~~with the client~~. ~~The communication must include appropriate elements for counseling with the client as provided in section 11 and 12 of this regulation.~~ The ~~communication~~ counseling must be in person if practicable, or by telephone or in writing if the client is not present. Additional information may be used to supplement counseling when appropriate, including, without limitation, leaflets, pictogram labels and video programs.*

These revisions take into account that existing provisions for counseling and recordkeeping in current law are predicated on standards of care for treating human patients and do not correlate to veterinary practice.

6. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

A) BOTH ADVERSE AND BENEFICIAL EFFECTS.

There should be no adverse economic impact from this regulation on businesses or the public.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

The Board anticipates that this regulation will have no immediate or long-term economic effects on business or the public, or any such effects will be negligible.

7. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

There will be no additional or special costs incurred by the board for enforcement of this regulation.

8. A DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATION OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, THE NAME OF THE REGULATING FEDERAL AGENCY.

The Board of Pharmacy is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

9. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The Board of Pharmacy is not aware of any similar regulations of the same activity in which the federal regulation is more stringent.

10. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL ANNUAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

This regulation does not provide a new or increase of fees.